UNITED
NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
LIMITED

CEDAW/C/1995/L.1/Add.8
29 January 1995

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Fourteenth session
16 January-3 February 1995

ADOPTION OF THE REPORT OF THE COMMITTEE ON ITS FOURTEENTH SESSION

Draft report

Rapporteur: Ms. Hanna Beate SCHÖPP-SCHILLING

V. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Addendum

Uganda

1. The Committee considered the initial and second periodic reports of Uganda (CEDAW/C/UGA/1-2 and Add.1) at its 270th and 273rd meetings, on 23 and 26 January (see CEDAW/C/SR.270 and 273).

2. In introducing the report, the representative of the State party pointed out that women accounted for up to 80 per cent of food production in the agricultural sector and that they were widely employed in the informal sector in urban areas. She stressed that Uganda was one of the few sub-Saharan countries that was self-sufficient in agricultural production.

3. She also emphasized that the main objective of the Government was to ensure the positive integration of women and gender issues into the mainstream of all development processes from the planning through implementation to evaluation stages. She informed the Committee that the Government had addressed the integration strategy at national and sectoral levels.

4. Furthermore, the representative mentioned that the Government was committed to enhancing the participation of women in politics and decision-making at national and local levels through legislative and administrative measures.

5. She informed the Committee that major steps had been taken towards the full observance of the legal rights of women and on de facto discrimination against women in the areas of the family, education, employment, health care and nutrition policies and natural resources management. However, she pointed out that a lot remained to be done on both the de jure and de facto levels and that obstacles such as traditional customs and attitudes, the economic restructuring process and health and ecological crises impeded the efforts.

General observations

6. Members of the Committee commended the frankness and objectivity of the report and commented that the report followed the general guidelines. They welcomed the fact that the Convention had been ratified without reservations. They praised the Government of Uganda for involving non-governmental organizations in the preparation and evaluation of the report in a very innovative way. They suggested that a similar cooperation should be followed regarding the constitutional and other legal reforms.

7. Members commended the Government and, in particular, the President, for having appointed women to high positions in the Government, namely, the woman Vice-President and the five women ministers in the cabinet. Members advised Uganda to take advantage of the political will, including from the President, at those levels to make further necessary reforms. They welcomed the establishment of a Ministry of Gender and Community Development.

8. Other members noted that there were still various obstacles to the implementation of the Convention, such as religious and cultural practices, which had not yet been adequately addressed. It was also mentioned that traditions and customs were very deeply rooted and very diversified.

9. Members of the Committee noted with concern the effects of structural adjustment programmes on women and children. The Committee wanted to know what measures had been taken to deal with the negative effects of those programmes. The representative explained that various studies have been carried out on the effects of structural adjustment programmes on women in Uganda. Information on the findings of those studies would be included in the next report.

Questions relating to specific articles

Article 2

10. Some members of the Committee wanted to know what measures had been taken to amend the Constitution towards granting women equal rights in accordance with the Convention. One member indicated that the Constitution was silent on the issue of gender. She therefore suggested that the Government should take the matter into consideration when revising the Constitution. Others expressed their concern that the Constitution had failed to provide an accurate definition of sex discrimination. One expert referred to paragraph 64 of the report of the State party and asked if initiatives had been taken by women's organizations to make the Government reform the laws.

11. The representative replied that, as mentioned in the addendum to the report of the State party, the issue of equality was being addressed by the draft Constitution. He referred to clause 50 (2) and (3) of the draft Constitution. He also pointed out that the Government has been committed to the elimination of institutionalized discrimination against women. He referred to clause 50 (4) of the draft Constitution.

12. Members of the Committee noted that the Constitution referred to "he" throughout, while referring to both women and men, and suggested that the matter should be corrected. The representative answered that the draft Constitution would specify both men and women, particularly regarding critical issues on equality before the law, fundamental human rights and other constitutional rights.

13. The report of the State party indicated that the Government had introduced the death penalty for men convicted of rape and defilement. However, because men dominate the police force and crime detection, it was difficult to prove rape in court. The Members therefore inquired what steps were taken to convict men who were guilty of crimes such as rape and defilement. Also, more information was requested on the steps that have been taken to improve law enforcement procedures in the context of rape. The representative stated that the Government had taken measures to address the difficulty of prosecuting rape offenders. In that context, the Ministry of Gender and Community Development had been carrying out a study on the non-prosecution of rape cases. Findings had indicated that there were social, economic, legal and cultural factors contributing to the non-prosecution of rape offenders. The findings had been forwarded to the institutions concerned to call for their action to remedy these problems. This Ministry was also engaged in sensitization programmes, especially for the police and other law enforcement officers, concerning the problem of rape. Also, the Government, in collaboration with non-governmental organizations, both local and international, had been undertaking interventions during the training of police officers to specifically sensitize them on issues affecting women in criminal matters.

14. The Law Reform Commission was presently looking into the controversy surrounding the issue of the death penalty for rape offenders. Results would be included in the next report.

Article 3

15. One member wanted to know how many women were in the Law Reform Commission. The representative replied that figures were given in the addendum to the report: the Law Reform Commission should consist of six members, including at least one woman. However, the Commission currently had three Commissioners, one of whom was a woman. The Secretary of the Commission was also a woman.

16. One member wanted to know whether women's non-governmental organizations were involved in the constitution drafting process. The representative responded that the initial and second reports stated that individuals, as well as organizations representing various interest groups, had been involved in submitting memoranda of their views to the Constitutional Commission. Women's non-governmental organizations had also been involved in that process.

17. In that context, some members wanted to know how many complaints on discrimination against women had been received by interest groups and how many had been judicially disposed of. The representative replied that many complaints on discrimination against women were received; however, owing to the lack of gender-disaggregated data in that office, it was difficult to procure information on the exact number.

18. Another member asked if the Government had a plan to introduce an equal opportunities bill. Furthermore, she wanted to know whether the Government had addressed the issue of violence against women. The representative explained that the Constituent Assembly had considered the question of establishing an equal opportunities commission. He added that the process of drafting the Constitution has been ongoing since 1988 and now had six months to reach a conclusion.

19. In 1970, the Law Development Centre was established for the purpose of extending legal aid for women. The members wanted to know why this scheme had never taken off. In the report, it was noted that the Uganda Women's Lawyers Association could not serve all women in need of legal aid in the country. Members asked whether the Government had established additional legal aid agencies. The representative of Uganda referred to the information contained in the addendum to the report and explained that, in addition to the Uganda Women's Lawyers Association, the Uganda Law Society had been operating a similar project in the four regions of the country. Furthermore, the legal department of the Ministry of Gender and Community Development offered similar services.

20. Some members emphasized that the inferior status of women in the family impeded legal equality of women; they stressed that there was a need to adopt a new family code integrating statutory legislation and customary law. The representative replied that among the strategies to address the inferior status of women in Ugandan society, the Government had embarked on a process of reforming the laws on domestic relations. A draft bill on such a law had been put in place, which sought to integrate both the various customary laws and statutory law into one code. Further consultations and research were still being carried out, especially to ensure that the law was in line with international and regional human rights instruments on the status of women. Moreover, he stated that, as reported in the addendum to the report, the issue of domestic violence would be specifically addressed in the new law on domestic relations. Apart from legal measures, the Ministry of Gender and Community Development had been conducting legal education and sensitization activities on the problem in various parts of the country, together with locally based non-governmental organizations.

Article 4

21. Paragraph 79 of the report referred to Uganda's efforts to increase the level of participation of women in the public sector, based on affirmative action. One member wanted to know what action had been taken concerning the problem of wife beating.

Article 6

22. The report indicated that prostitution was a crime but did not state whether the clients of prostitutes were also considered guilty of a crime and whether they were prosecuted; nor did the report indicate whether measures to prevent acquired immunodeficiency syndrome (AIDS) were applied equally to prostitutes and clients. The representative replied that based on the definition of prostitution and prostitutes, the amended legislation S.134A of the Penal Code allowed for the prosecution of both parties involved in the act.

23. A clarification of paragraph 100 of the report, which referred to the extension of the age category of protected males and females from 14 to 18 years, was required. The representative reported that the age limit for statutory rape had been raised from 14 to 18 years.

24. Members requested more information concerning the trafficking in women in Uganda; what effective measures had been taken to decrease trafficking in women and their exploitation through prostitution? The representative replied that prostitution and trafficking in women in Uganda was highly commercially organized. In that regard, the legal position remained that trafficking in women was a crime under the laws of Uganda and all measures to address the crime would be employed in the event that anybody was arrested.

25. Paragraph 95 of the report noted the need to form policy and special programmes to prevent the spread of AIDS among women prostitutes. Some members wanted to know if such policies or programmes had been initiated. If not, what plans would be initiated in the future? In addressing the AIDS crisis, another member asked about proposals to eliminate polygamous marriages in order to stem the spread of the disease. It was asked how these marriages were viewed by the Ugandan Government.

26. The representative welcomed the recommendations of members for programmes to decrease the prevalence of prostitution. Such programmes should be implemented, especially in view of the danger of the human immunodeficiency virus (HIV)/AIDS. Information on future initiatives would be included in the next report.

Article 9

27. Unlike male citizens in Uganda, women do not enjoy the right to extend their citizenship to their children born outside the country. Similarly, women do not enjoy the right to extend their citizenship to foreign spouses. Furthermore, a married woman citizen is not entitled to have a passport issued without the consent of her husband. Members asked what measures had been taken to correct these inequalities. The representative replied that the existing legal bias preventing Ugandan women married to foreigners from extending their citizenship to spouses and children had been addressed in the draft Constitution. As indicated in the addendum to the report, clause 43 (2) (a) of the draft Constitution stated that every person married to a Ugandan citizen may apply to be registered as a citizen upon providing proof of a legal and subsisting marriage of at least three-years standing. The draft Constitution further stated that men and women should have equal rights at marriage, during

marriage and at its dissolution. Such a provision within the Constitution would address the current problems for Ugandan married women regarding passport and travel documents.

28. One member wanted to know whether a husband or father could prevent a wife or child from leaving the country. It was indicated that a girl child born out of wedlock was discriminated against. One expert asked whether these issues were being addressed by the Government. The representative replied that regarding discrimination of the girl child born out of wedlock, the legal position was that all children whether born in or out of wedlock were entitled to inherit equally from their parents.

Article 10

29. Paragraph 158 of the report referred to pre-primary school as a "private business". Members wanted to know whether the Government would revise its attitude towards pre-school education. The State party replied that the competition for entry into good primary schools had mainly occurred in urban areas and that the majority of the residents could afford the cost. However, the Government of Uganda had taken note of the concern of the members about the danger of abuse in the provision of education by private institutions. More detailed information would be provided in the next report.

30. In Uganda, 49 per cent of households are headed by a single young woman. The Committee wanted to have more information about the age of these young women and asked what measures had been taken by the Government to prevent early pregnancy, which disrupts education.

31. According to the report, 81.4 per cent of girls who should be in primary school enter into matrimonial relationships. Members inquired whether there was a special curriculum made available to these girls in order to make up for the lost primary education, and if not, how was the Government going to deal with that issue in the future. Several members expressed concern regarding the high number of pregnancies among young girls that had been caused by teachers. That could account for the high drop-out rate of girls who had suffered such violence. Members asked what measures had been taken to address the problem. Had information been provided to young girls about the dangers related to early sexual intercourse?

32. The representative responded that, as stated in the addendum to the report, the Ministry of Education was incorporating family life education, which included sex education, in the school curriculum. The Government as well as non-governmental organizations had been carrying out adult education and functional literacy programmes to target women and men who had not had an opportunity for formal education. Statistics indicated that the majority of persons attending those programmes were women. Specific statistics would be included in the next report.

33. Additional information was requested by members on primary education; was primary education compulsory and were there any age limits? The representative stated that the minimum age for entry into primary school for children in Uganda was six years old. He referred to the addendum to the report, which stated that

government policy was aimed at providing compulsory universal primary education by the year 2003. As to the financial resources, the representative replied that the process of providing government aid would be a gradual one; by gradually transforming the current educational system, primary education would become government aided, and university and other forms of tertiary education would be on a cost-sharing basis.

Article 12

34. Abortion was carried out in Uganda even though it was illegal. Members requested additional data on abortion. The representative answered that statistics on women dying from abortion had been difficult to obtain because the records from various hospitals were not compiled at one focal point. However, statistics from the main national hospitals indicated that in 1992 induced abortion accounted for one third of maternal deaths. While it had been possible to provide statistics on the ratio of HIV/AIDS infection between men and women, actual figures of people dying of AIDS had been difficult to get since the medical reports indicated the immediate causes of death, such as pneumonia, tuberculosis, etc., rather than AIDS. Furthermore, many deaths had not been reported by hospitals because they happened at home, especially in rural areas.

35. Members also wanted to know if a woman who was infected with AIDS could have a legal abortion. The representative explained that the legal position on abortion was that if two medical doctors independently agreed that it was necessary for the woman's health, then an abortion could be performed.

36. In reference to paragraphs 251 and 252 of the report, the Committee wanted to know how successful government programmes had been in combating the spread of AIDS. Also, in reference to paragraph 259, the members wanted to be provided with a statistical update on AIDS. The representative replied that updated statistics on the prevalence of AIDS in Uganda were included in the addendum. Whereas the government programmes to combat the spread of AIDS now reached 90 per cent of the population, a corresponding change in sexual behaviour had not been achieved because that took some time. Government programmes to combat the spread of AIDS had to target all members of society, and should include information on the use of condoms. To provide for the latter, however, was a matter of financial resources.

37. Members requested specific statistics regarding the incidence of rape and incest, particularly of young girls. The representative explained that that information was difficult to obtain since there was no coherent pattern in police records.

38. As to the difference in the number of births per woman as stated in the written and oral reports, the representative stated that the recent increase of fertility rates could be explained by AIDS and high infant mortality rates.

39. The Members raised concerns about female circumcision in Uganda. They wanted to know why immediate action had not been taken to abolish that tradition, which was still practised in some parts of the country. Furthermore, what penalty was given to the person performing the female circumcision? Had there been any programmes to re-educate or inform those persons about the

dangers of circumcision? The Committee also requested more information on traditions and customs in Uganda. For example, were there any food taboos?

40. The representative replied that concerning health-related customs and taboos, the situation was that there were several tribes in Uganda with different customs and practices affecting women. Government policy had been to discourage customs and practices with a negative impact and promote the positive ones. The draft Constitution provided that any custom that was contrary to the fundamental human rights provided in the Constitution should be declared null and void. It was hoped that that provision would provide an effective challenge to the practice of female circumcision. Furthermore, the Inter-Committee for Africa, a regional organization that was addressing negative customary practices in Africa, had been operating programmes in Uganda. The Government of Uganda had also been carrying out sensitization programmes on female circumcision and other negative customary practices.

41. A member commented that the Government described prostitutes as a danger to society because of HIV/AIDS. Table 22 of the report indicated that only 2 per cent of the population had been using condoms. Had anything been done to inhibit the spread of AIDS among prostitutes by distributing condoms to them? Were there any programmes to inform the population about the use of condoms? The representative replied that there had been various general programmes for AIDS in Uganda. That information had already been included in the reports.

42. Table 19 in the report stated that there was a shortage of health personnel. Members believed that traditional healers and traditional medicine were the key to making assisted child bearing a financial possibility. Had Uganda made an effort to systematize its network of traditional birth attendants and traditional healers? Were development strategies making use of traditional knowledge, as opposed to imposing foreign approaches? What kind of family-planning facilities were available to women in rural areas? In response, the representative referred to the addendum to the report.

43. Members suggested that women in high political positions should become involved in information campaigns about the use of condoms, the spread of AIDS, etc.

Article 14

44. As to what measures had been taken to decrease illiteracy, provide health services and social protection to rural women and provide them with access to family planning, the representative referred to the addendum to the report.

Article 16

45. Some traditional practices such as polygamous marriages, as well as incest and rape, had furthered the spread of AIDS. Members inquired what programmes had been offered by the Government to women and men in order to prevent the transmission of AIDS? The representative replied that the issue of polygamy was considered in the new law on domestic relations.

46. Regarding interference and harassment by fathers, brothers or other relatives against widowed women when they had acquired property from deceased husbands, members wanted to know what measures had been taken by the Government to protect such women, legally as well as physically.

47. Concerning the issue of double standards in adultery and divorce, the representative replied that the provision in the draft Constitution on the equality of men and women in marriage, during marriage and at its dissolution was addressing the issue. Currently, the Ministry of Gender and Community Development was conducting a research project on women and inheritance in order to make recommendations to amend the current law in order to empower women in inheritance and succession matters. Existing legal provisions to protect women in succession matters were contained in the Administrator Generals Act, the Succession Act and criminal law. The Government had been sensitizing women through legal education on the existence of those provisions and institutions.